

**DEPARTMENT OF HEALTH  
BOARD OF PHYSICAL THERAPY  
MEETING/RULES WORKGROUP SESSION MINUTES**

Monday, June 23 and Tuesday, June 24, 2003

The Davenport Hotel, 10 South Post Street, Spokane, WA 99201

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On June 23 & 24, 2003, the Board of Physical Therapy met at the Davenport Hotel, 10 South Post Street, in Spokane, Washington. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

**MEMBERS PRESENT**

Samuel Stockton, PT, Chair  
Shawn Quigley, PT, Vice Chair  
Chuck Martin, PT  
Teri Yap-Yoshikawa, PT  
Susan Sawyer, Public Member

**STAFF PRESENT**

Kristin Hamilton, Program Manager  
Kris Waidely, Program Manager  
Gretchen Binford, Administrative Assistant  
Lisa Pannone, Staff Attorney  
Mark Brevard, AAG, Advisor  
Marnie Sheeran, AAG, via telephone

**GUESTS PRESENT**

Donna El-Din, PT  
Meryl Gersh, PT

**Monday, June 23, 2003 - 7:00pm – OPEN SESSION**

**1. CALL TO ORDER**

Mr. Stockton introduced new public member, Susan Sawyer. Ms. Sawyer gave information about her background. The Board and staff welcomed Ms. Sawyer.

**2. PERSONNEL UPDATE**

Due to Ms. Zimmerman's unavailability, this item was moved to the Agenda Item 13.

**CLOSED SESSION**

**3. REVIEW OF APPLICATIONS**

- **Applicant A:** Application denied pending completion of course work.
- **Applicant B:** Application approved.
- **Applicant C:** Application denied pending completion of course work. Also must be eligible for licensure in country of education.
- **Applicant D:** Application denied pending completion of course work.
- **Endorsement Applicant E:** Application approved.
- **Endorsement Applicant F:** Must obtain 40 hours of pre-approved continuing education prior to licensure.

- **Applicant G:** Application information should be sent, along with previously approved file for applicant from same education program and class, to reviewing Board member for comparison and review.

#### **4. DISCIPLINARY CASE REVIEWS**

- Case No. 2003-06-0001PT  
ACTION: Closed - below threshold - isolated incident with minimal or no patient harm.
- Case No. 2002-10-0002PT  
ACTION: Closed - after investigation - insufficient evidence to support a violation on this incident.
- Case No. 2003-04-0002PT  
ACTION: Refer to Legal for Notice of Correction.

#### **5. CONTINUING EDUCATION AUDITS**

- Audit A: CE insufficient by 7 hours. No run time indicated for the Barnes Myofascial video and Tapes 3 & 4 by Tehan.
- Audit B: CE & employment acceptable.
- Audit C: Send letter requesting goals and objectives for CE.
- Audit D: CE & employment acceptable.
- Audit E: Send letter requesting goals and objectives for CE.
- Audit F: CE & employment acceptable.
- Audit G: Send letter requesting goals and objectives.
- Audit H: Send letter requesting goals and objectives for CE.
- Audit I: Send letter requesting goals and objectives for CE.
- Audit J: Send letter requesting goals and objectives for CE.
- Audit K: Send letter requesting goals and objectives for CE.
- Audit L: Send letter requesting goals and objectives for CE.
- Audit M: CE & employment acceptable.
- Audit N: CE & employment acceptable.

#### **6. JURISPRUDENCE EXAM DEVELOPMENT**

The Board reviewed the jurisprudence exam.

Adjourned for the evening at 9:13 p.m.

#### **Tuesday, June 24, 2003 - 9:05 AM - OPEN SESSION**

#### **7. CALL TO ORDER**

- 7.1 Approval of Agenda  
Agenda approved as amended.

- 7.2 Approval of Meeting Minutes  
Minutes approved as presented.

## **8. STIPULATED AGREEMENT PRESENTATION**

- 8.1 Daniel Roberts, PT  
License No. PT00002482  
Docket No. 02-08-A1011PT

Marnie Sheeran, AAG Prosecutor, presented the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order concerning Daniel Roberts, PT.

The Agreed Order was approved as presented.

## **9. RULES LANGUAGE REVIEW**

The Board provided opportunity for public comment from Eastern Washington concerning the rule language that was discussed during the Board's last meeting in SeaTac.

Comments were as follows:

- Oppose the 200-hour work requirement of WAC 246-915-085
- Applied knowledge and skills are likely more of an indicator of competence than "employment".
- Possibly "200 hours of applied knowledge or practice germane to physical therapy"?

DECISION: Pull this rule from the proposed package and have a committee evaluate possible language to be discussed at the September meeting. Shawn Quigley will chair the committee and work with Mark Brevard on the language to be discussed in September. Kris Waidely will be the staff contact person for this committee.

## **10. RULES DRAFTING SESSION**

The Board discussed draft language regarding WAC 246-915-182 & WAC 245-915-120.

WAC 246-915-120 comments were as follows:

- Any standards detailed in rule should be similar to CAPTE standards if CAPTE is considered to be a standard.
- Broader standards should be applied to the general education component and should be comparable to a BS or BA as required by the legislature in the Practice Act.

DECISION: Pull this rule from the proposed package. A Committee will be responsible to compare 1999 CAPTE standards and current CAPTE standards to the proposed rule to evaluate possible amendments to 246-915-120. Chuck Martin will chair the committee and Donna El-Din will be asked to serve as a pro-tem member on the committee. Kris Waidely will be the staff contact on this rule.

WAC 246-915-182 comments and actions were as follows:

The Board reviewed and discussed language from the sexual misconduct rules already adopted by several other professions.

**DECISIONS:**

- Use the psychology rule (inserting “physical therapy” and “physical therapist” where appropriate) inserting paragraph (5)(b), (inserting “physical therapy” and “physical therapist” where appropriate) from the nursing rule.
- Remove paragraph (5) language of the psychology rule.
- Final draft reads:

Sexual Misconduct.

(1) The physical therapist shall never engage in sexual contact or sexual activity with current clients.

(2) Sexual contact or sexual activity is prohibited with a former client for two years after cessation or termination of professional services.

(3) The physical therapist shall never engage in sexual contact or sexual activity with former clients if such contact or activity involves the abuse of the physical therapist-client relationship. Factors which the board may consider in evaluating if the physical therapist-client relationship has been abusive includes but is not limited to:

(a) The amount of time that has passed since therapy terminated;

(b) The nature and duration of the therapy;

(c) The circumstances of cessation or termination;

(d) The former client’s personal history;

(e) The former client’s current mental status;

(f) The likelihood of adverse impact on the former client and others; and

(g) Any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the former client.

(4) The physical therapist shall never engage in sexually harassing or demeaning behavior with current or former clients.

(5) These rules do not prohibit:

(a) The provision of physical therapy services on an urgent, unforeseen basis where circumstances will not allow a physical therapist to obtain reassignment or make an appropriate referral;

(b) The provision of physical therapy services to a spouse, or family member, or any other person who is in a preexisting, established relationship with the physical therapist where no evidence of abuse of the physical therapist-client relationship exists.

## **11. USE OF LOW LEVEL LASERS BY PHYSICAL THERAPISTS**

The Board reviewed and discussed a request for information regarding the use of low level lasers by physical therapists.

The Board would like Mr. Martin to provide more information concerning the types of low-level laser equipment about which he is speaking and specifically which states have approved them.

## **12. FOLLOW-UP TO PTWA PRESENTATION**

The Board discussed the presentation given to PTWA at the May association meeting in Yakima.

Staff will email a copy of the presentation to PTWA staff and send information re: Listserv to them for the August newsletter, along with an announcement that Susan Sawyer has been appointed as the new public member for the Board.

## **13. PROGRAM REPORT – *Information provided to the Board by the Program Manager.***

### **13.1 Report on Organizational Changes**

Ms. Hamilton reminded the Board that her last day with the State of Washington is July 1. Recruitment for her replacement is ongoing and the Board will be kept apprised of the progress.

### **13.2 Planning for Upcoming Meetings**

For September - committee presentations on rules.

### **13.3 Report on 2003-2005 Budget Development Process**

Ms. Hamilton provided a status update on the budget process to date. A full budget presentation will be given in the fall.

### **13.4 Provided for the Board's Information**

- Letter from FSBPT CEO William Hatherill regarding the National Examination contract.

## **14. ADJOURNMENT**

There being no further business, the meeting adjourned at 2:45pm.

Respectfully submitted:

Approved:

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Signature on file

Kristin Hamilton  
Program Manager

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Signature on file

Sam Stockton, PT, Chair  
Board of Physical Therapy